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Office for Information Technology Policy

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# ALA American Library Association

September 2, 1997

Mr. William Caton  
Acting Secretary  
Federal Communications Commission  
1919 M. St. NW  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: CC Docket No.: 96-45, Federal-State Joint Board on Universal Service

Dear Mr. Caton:

The American Library Association, in conjunction with the American Association of School Administrators, American Association of Universities, American Council on Education, the Association of College and University Telecommunications Administrators, the Association of Research Libraries, the National Association of Independent Schools, the National Association of Secondary School Principals, and the National Education Association sent the attached letter to the Commissioners, Mr. Kennard, Mr. Muleta, and Ms. Chorney today.

We respectfully request that you enter it in to the record in the above mentioned proceeding.

Sincerely,



Carol Henderson  
Executive Director  
American Library Association Washington

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September 2, 1997

BY HAND

Honorable Reed E. Hundt  
Chairman  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: CC Docket No. 96-45 (Universal Service)

Dear Mr. Chairman:

We write to request confirmation that we are correct in our understanding that the Commission's May 8, 1997, Report and Order in CC Docket No. 96-45 and the rules issued thereunder do not require libraries, schools, colleges and universities, as noncommercial entities, to contribute to the universal service support mechanism.

As you know, new Section 54.703 of the Commission's rules provides that certain telecommunications providers are required to support universal service. Neither the rule nor the Commission's discussion in the Report and Order state that libraries, schools, colleges or universities are included among the entities that must contribute, and it appears to us that the intent of Report and Order was to exclude such institutions.

For example, the Report and Order's discussion of which entities must contribute, at ¶¶ 777-800, indicates that the Commission interpreted the obligation to contribute as reaching only commercial entities, whether they are directly in the business of providing telecommunications to the public, or choose to provide telecommunications to selected customers merely because they have excess capacity. We find no indication that either Congress or the FCC intended for noncommercial entities such as libraries, schools, colleges and universities are meant to be included. In addition, the Commission and the Joint Board discussed a number of specific classes of entities that are required to contribute (see ¶ 787 of the Report and Order and ¶ 794 of the Joint Board's Recommended Decision). Those discussions do not include libraries, schools, colleges and universities among the types of entities that are expected to contribute.

Finally, we believe that neither Congress nor the Commission could have intended for libraries, schools, colleges or universities to contribute to the universal service fund because such a requirement would be counterproductive. To require libraries and schools to contribute when they are among the principal beneficiaries of Section 254 seems wholly illogical. Similarly, institutions of higher education are intimately involved with the effort to improve the quality of education and health care across the country of which the universal service rules are only a part. Given the active role that many libraries, schools, colleges, and universities will play in the realization of universal service, such a policy would amount to robbing Peter to pay Paul and cannot be what either Congress or the Commission intended.

Since the Commission has not specifically identified libraries, schools, colleges or universities as being required to contribute to universal service, and since such a requirement would undercut the goals of Section 254 and the Commission's new rules, we believe that such institutions are not required to contribute. Since the Report and Order does not directly address the issue, however, we would be grateful if the Commission could clarify the matter and make a specific statement to that effect.

Thank you for your attention.



Carol Henderson  
Executive Director  
American Library Association Washington Office

On Behalf Of:

American Association of School Administrators  
American Association of Universities  
American Council on Education  
American Library Association  
Association of College and University Telecommunications Administrators  
Association of Research Libraries  
National Association of Independent Schools  
National Association of Secondary School Principals  
National Education Association  
(A short description of each of these parties is attached)

cc: Hon. James H. Quello  
Hon. Rachelle B. Chong  
Hon. Susan Ness  
William E. Kennard, Esq.  
John Muleta, Esq.  
Jackie Chorney, Esq.

**Description of Endorsing Parties:**

The American Library Association (ALA) is a nonprofit educational organization of 57,000 librarians, library educators, information specialists, library trustees, and friends of libraries representing public, school, academic, state, and specialized libraries dedicated to the improvement of library and information services. A new five-year initiative, ALA Goal 2000, aims to have ALA and librarianship be as closely associated with the public's right to a free and open information society -- intellectual participation -- as it is with the idea of intellectual freedom. ALA Goal 2000 also emphasizes the importance of equity on the information superhighway and continues ALA's efforts to advocate for the highest quality of library and information services for all Americans.

The Association of College and University Telecommunications Administrators (ACUTA) is an international non-profit educational association serving nearly 800 colleges and universities. ACUTA also has 120 corporate affiliate members, representing all categories of vendors who serve the educational market, including equipment manufacturers, Regional Bell Operating Companies (RBOCs), long distance carriers, software providers, and consultants.

The Association of Research Libraries (ARL), founded in 1932, is a nonprofit association of 121 of the largest and most comprehensive research libraries in the United States and Canada. ARL's members include university libraries; large, research-oriented public libraries, such as the New York Public Library; and certain government libraries such as the National Agricultural Library. The mission of ARL is to identify and influence forces affecting the future of libraries in the processing of scholarly communication. ARL's programs and services promote equitable access to, and effective use of, recorded knowledge in support of teaching, research, scholarship, and community services.

The National Association of Independent Schools (NAIS) is a voluntary membership organization of over 1,100 member schools and associations in the United States and abroad, and is the national institutional advocate for independent precollegiate education. NAIS represents 416,000 students, 53,200 teachers and instruction support personnel, and 8,600 administrators in the U.S.

That National Association of Secondary School Principals (NASSP) is the nation's largest school administrator organization, representing middle, junior, and senior high school principals and assistant principals in both public and private schools. NASSP is also the founder and administrator of the National Association of Student Activity Advisors, the National Honor Society, and National Junior Honor Society, the National Association of Student Councils, and the American Technology Honor Society. NASSP represents 43,000 administrators, 200,000 teachers, and 1,000,000 students in the U.S.

The National Education Association (NEA), with over 2.2 million members, is the nation's largest professional employee organization, representing elementary and secondary teachers, higher education faculty, educational support personnel, retired educators, and students preparing to become teachers. NEA is focused on the issues and needs of education and the teaching profession.